

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

NIPPON SHINYAKU CO., LTD.,  
Plaintiff,

V.

SAREPTA THERAPEUTICS, INC.,  
Defendant.

C.A. No. 21-1015 (GBW)

## DEMAND FOR JURY TRIAL

SAREPTA THERAPEUTICS, INC. and THE  
UNIVERSITY OF WESTERN AUSTRALIA,  
Defendant/Counter-Plaintiffs,

V.

NIPPON SHINYAKU CO., LTD. and NS  
PHARMA, INC.,  
Plaintiff/Counter Defendants.

**PLAINTIFF’S MOTION FOR PARTIAL SUMMARY JUDGMENT NO. 5 -  
NO INEQUITABLE CONDUCT**

Pursuant to Federal Rule of Civil Procedure 56, plaintiff Nippon Shinyaku Co., Ltd. hereby moves for partial summary judgment regarding Sarepta Therapeutics, Inc. and the University of Western Australia's counterclaim and defense of unenforceability of Nippon Shinyaku's patents due to inequitable conduct (Counterclaim VI and Fifteenth Defense of the Second Amended Answer and Counterclaims, D.I. 328). The grounds for the instant motion are set forth in the accompanying opening brief in support, which is incorporated herein by reference.

Dated: December 11, 2023

Respectfully submitted,

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